

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #02	CCRB Case #: 202206519	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/25/2022 5:46 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 3/25/2024	Precinct: 76		
Date/Time CV Reported Sun, 09/25/2022 10:45 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/28/2022 11:55 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Christian Solarte	09193	968819	076 PCT
2. PO Jake Rotolo	23896	963247	076 PCT
3. SGT Emily Harris	05536	941882	076 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Dio Chen	25335	968324	076 PCT
2. PO Avion Alexander	09159	957618	076 PCT
3. PO Sayfur Chowdhury	24666	971017	076 PCT
4. PO Syed Ahmed	23518	970968	076 PCT
5. PO Stephen Dronov	03023	972615	076 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Jake Rotolo	Abuse: Police Officer Jake Rotolo forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B . PO Christian Solarte	Abuse: Police Officer Christian Solarte forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C . PO Jake Rotolo	Force: Police Officer Jake Rotolo used physical force against § 87(2)(b)	§ 87(2)(b)
D . PO Christian Solarte	Force: Police Officer Christian Solarte used physical force against § 87(2)(b)	§ 87(2)(b)
E . PO Jake Rotolo	Force: Police Officer Jake Rotolo used a chokehold against § 87(2)(b)	§ 87(2)(b)
F . PO Christian Solarte	Force: Police Officer Christian Solarte used physical force against § 87(2)(b)	§ 87(2)(b)
G . SGT Emily Harris	Force: Sergeant Emily Harris used a chokehold against § 87(2)(b)	§ 87(2)(b)

### Case Summary

On September 25, 2022, Sergeant Emily Harris of the 76<sup>th</sup> Precinct reported this incident involving § 87(2)(b) and his mother § 87(2)(b) to IAB. It was received by the CCRB on September 28, 2022.

On September 25, 2022, at approximately 5:47 p.m., § 87(2)(b) called 911 to request assistance with § 87(2)(b) who was acting irate and throwing items. Police Officer Jake Rotolo and Police Officer Christian Solarte of the 76<sup>th</sup> Precinct responded and upon arrival, restrained § 87(2)(b) to initiate his removal to the hospital (**Allegations A and B: Abuse of Authority – Forcible removal to the hospital, § 87(2)(g)**). A physical interaction ensued in which Police Officer Rotolo and Police Officer Solarte attempted to gain control of § 87(2)(b) by pulling his arms behind his back, taking him to the floor, picking him up, and pressing him against a wall (**Allegations C and D: Force – Physical force, § 87(2)(g)**). During the struggle, Police Officer Rotolo grabbed § 87(2)(b) throat (**Allegation E: Force – Chokehold, § 87(2)(g)**). § 87(2)(b) allegedly attempted to intervene, prompting Police Officer Solarte to push her away (**Allegation F: Force – Physical force, § 87(2)(g)**). Additional units arrived at the apartment, including Sergeant Harris. Sergeant Harris entered the apartment, pushing § 87(2)(b) out of the way by bracing her arm across § 87(2)(b) neck (**Allegation G: Force – Chokehold, § 87(2)(g)**). § 87(2)(b) was ultimately taken to § 87(2)(b) Hospital. No arrests or summonses resulted from this incident.

The investigation received 12 body-worn camera (BWC) videos (**BR 01-05**) from the NYPD related to this incident, recorded by Police Officer Rotolo, Police Officer Solarte, Sergeant Harris, Police Officer Dio Chen, Police Officer Avion Alexander, Police Officer Steven Dronov, Police Officer Sayfur Chowdhury, and Police Officer Syed Ahmed of the 76<sup>th</sup> Precinct. The videos are summarized in IA # 89 (**BR 06**).

This case is being closed within 30 days of the expiration of its Statute of Limitations on March 25, 2024. The closure of this case was significantly delayed by multiple factors, the primary of which was the fact that the investigation was unable to conduct an interview with § 87(2)(b) the victim in the majority of this complaint's allegations, until December 2023, 14 months after the incident date.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Jake Rotolo forcibly removed § 87(2)(b) to the hospital.**

**Allegation (B) Abuse of Authority: Police Officer Christian Solarte forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) was interviewed by the CCRB on October 14, 2022 (**BR 07**). § 87(2)(b) was interviewed on December 13, 2023 (**BR 08-09**). Police Officer Rotolo was interviewed on December 22, 2023 (**BR 10**), and Sergeant Harris was interviewed on January 19, 2023 (**BR 11**).

§ 87(2)(b) testified that on the incident date, she was at home with her 19-year-old son, § 87(2)(b) and her 28-year-old niece, § 87(2)(b). § 87(2)(b) and § 87(2)(b) were arguing when § 87(2)(b) began to experience what § 87(2)(b) described as a “mental breakdown.” He had not been diagnosed with any particular condition but had been showing signs of “manic depression” for a long time. § 87(2)(b) called 911 and requested EMS, stating that her son was having a breakdown, that he was throwing things at her, and that he needed help. The operator told her that they would send NYPD and EMS. Approximately five minutes later, Police Officer Rotolo and Police Officer Solarte knocked on the door. § 87(2)(b) answered the door and led the officers into her bedroom, where § 87(2)(b) and § 87(2)(b) were still yelling. § 87(2)(b) stepped between § 87(2)(b) and § 87(2)(b) who were approximately three to four feet apart. The officers immediately grabbed § 87(2)(b) by the front of his shirt, and § 87(2)(b) continued

arguing with § 87(2)(b) for another two seconds. No more than five seconds passed between the officers entering the apartment and the officers making physical contact with § 87(2)(b). § 87(2)(b) testimony regarding this portion of the incident was largely consistent with that of § 87(2)(b). He stated that when the officers arrived, he was walking around the apartment cleaning up and he and § 87(2)(b) continued their verbal dispute. He did not believe he had anything in his hands when the officers entered, but he believed that if he did, his intention with it would have been clear, as he was cleaning. § 87(2)(b) was ultimately removed to § 87(2)(b) Hospital.

Event information for ICAD # § 87(2)(b) (BR 12) states that at 5:46 p.m., § 87(2)(b) called 911 to report that her son was acting irate and violent, throwing items. The operator notes that a male voice could be heard shouting in the background. An EMS unit was dispatched at 5:47p.m., and the first NYPD unit, 76A1-3, arrived at 5:49p.m. The EMS unit arrived at 5:53p.m. and transported § 87(2)(b) to § 87(2)(b) Hospital at 6:15p.m.

AIDED # § 87(2)(b) (BR 30) states that § 87(2)(b) was removed to § 87(2)(b) Hospital by EMS because he “was a violent EDP.”

Police Officer Solarte’s BWC footage (BR 03), beginning at 02:15 into the video, shows § 87(2)(b) walking the officers into her bedroom. Police Officer Rotolo approaches § 87(2)(b) who is screaming at § 87(2)(b). Police Officer Rotolo grabs § 87(2)(b) right arm, which is raised in a fist. § 87(2)(b) moves his torso forward and continues to yell, “Fuck you,” at § 87(2)(b). Police Officer Solarte grabs both of § 87(2)(b) shoulders and § 87(2)(b) lunges forward, stating, “I will fucking hurt you, § 87(2)(b).” A belt is visible in his left hand. A physical interaction begins between § 87(2)(b) and the two officers, and they ultimately handcuff him.

Police Officer Rotolo’s BWC footage (BR 02), beginning at the 02:50 mark, shows that during the physical interaction (discussed in detail in **Allegations C-F**), § 87(2)(b) yells repeatedly that § 87(2)(b) needs help, and Police Officer Rotolo replies that they are going to get him help.

Sergeant Harris’s BWC footage (BR 05), beginning at 06:39 into the video, shows § 87(2)(b) telling the EMTs that § 87(2)(b) has been having episodes for a while and gets angry and cannot calm down. She states that he has never been evaluated for psychiatric conditions and he has not been diagnosed with anything. She states that prior to the 911 call, § 87(2)(b) got upset and things started escalating and he began throwing things at her. She called 911 because she could tell it was only going to get worse. The EMTs ultimately remove § 87(2)(b) to § 87(2)(b) Hospital.

Police Officer Rotolo testified that when he arrived, he observed a belt in § 87(2)(b) hand, reared back approximately one to two feet, apparently about to swing at § 87(2)(b). Police Officer Rotolo grabbed § 87(2)(b) right arm, which was holding the belt. § 87(2)(b) reacted by flailing his arms, kicking, and thrashing. Police Officer Rotolo took § 87(2)(b) to the ground to gain control of him so he would no longer be a danger to himself or his mother. An ambulance is typically automatically dispatched for this type of 911 call, but Police Officer Rotolo also independently believe that § 87(2)(b) constituted a danger to both himself and his mother based on the information provided in the call and § 87(2)(b) actions on scene and needed medical attention.

Sergeant Harris testified that EMS ultimately made the decision to remove § 87(2)(b) to the hospital.

NYPD Patrol Guide Procedure 221-13 (BR 13) defines an emotionally disturbed person (“EDP”) as someone who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others. An officer must take into protective custody and have removed to the hospital in an ambulance, any person who appears to be mentally ill or emotionally disturbed because the person is conducting himself in a manner likely to result in serious injury to themselves or others.



BWC footage and NYPD documents show that § 87(2)(b) told the 911 operator and the officers on scene that § 87(2)(b) her son, was acting irate, throwing things, and required mental health assistance. BWC footage further shows that upon the officers' arrival, they observed § 87(2)(b) still engaged in a heated argument while rearing back his fist and holding a belt, undeterred by § 87(2)(b) interventions. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (C) Force: Police Officer Jake Rotolo used physical force against § 87(2)(b)**

**Allegation (D) Force: Police Officer Christian Solarte used physical force against § 87(2)(b)**

**Allegation (E) Force: Police Officer Jake Rotolo used a chokehold against § 87(2)(b)**

**Allegation (F) Force: Police Officer Christian Solarte used physical force against § 87(2)(b)**

§ 87(2)(b) testified that once Police Officer Rotolo and Police Officer Solarte grabbed § 87(2)(b) they began to pull his arms behind his back. § 87(2)(b) told the officers repeatedly to get off him, and at one point he said they were hurting his arm. § 87(2)(b) moved his arms around in reaction. Police Officer Rotolo held § 87(2)(b) arms behind his back while Police Officer Solarte held the front of his shirt. § 87(2)(b) stated repeatedly that § 87(2)(b) needed help, not to be manhandled. Police Officer Rotolo and Police Officer Solarte threw § 87(2)(b) on the floor such that he was laying on his back. Police Officer Rotolo had his knee on § 87(2)(b) stomach, and Police Officer Solarte knelt near § 87(2)(b) legs, holding them still with his hands. Police Officer Rotolo slapped § 87(2)(b) in the face with an open hand, then grabbed § 87(2)(b) neck with his right hand. His hand wrapped around the front of § 87(2)(b) neck with the palm on the center of the throat and his thumb and fingers on each side. § 87(2)(b) grimaced in pain, leading § 87(2)(b) to believe that Police Officer Rotolo was squeezing § 87(2)(b) throat. § 87(2)(b) approached and tried to push the officers away from § 87(2)(b) by their shoulders and torsos. Police Officer Solarte pushed § 87(2)(b) away with his free arm on her upper stomach area, hard enough that she was moved back a few feet. She went back toward the officers and tried to physically intervene again, and Police Officer Solarte pushed her again. The officers flipped § 87(2)(b) over and handcuffed him. They each grabbed one of his arms and pulled him up onto his feet, then immediately used his chest and shirt to slam his body into the wall, all in one motion. § 87(2)(b) faced the officers while up against the wall, with his feet approximately two feet off the floor.

§ 87(2)(b) testified that Police Officer Rotolo and Police Officer Solarte, immediately upon entering § 87(2)(b) bedroom, told him to put his hands behind his back. § 87(2)(b) who was initially facing the officers, turned his body clockwise 45 degrees. The officers approached § 87(2)(b) grabbed his hands, and tried to pull them behind his back, causing pain to his shoulders. § 87(2)(b) pulled his arms and body away from the officers as best as he could, but they were considerably larger than him, so he stomped his legs in an attempt to gain leverage on the officers. Police Officer Solarte pushed § 87(2)(b) into the dresser. While § 87(2)(b) body was bent, Police Officer Solarte tripped him, and at the same time, Police Officer Rotolo tackled him. Police Officer Rotolo used his body weight to slam § 87(2)(b) to the floor on his stomach with his stomach and face on the floor. One of the officers briefly placed his hand on § 87(2)(b) throat. The officers continued to attempt to pull § 87(2)(b) arms together behind his back, putting strain on his shoulders. The officers were pulling § 87(2)(b) hands behind his back, and § 87(2)(b) pulled his hands in the opposite direction toward the front of his torso. Police Officer Rotolo eventually got the handcuffs on after approximately 90 seconds. Police Officer Rotolo and

Police Officer Solarte each took one of § 87(2)(b) arms and lifted him up until he was in a standing position. However, they lifted him up so far that his feet were approximately one foot off the ground.

As discussed above, Police Officer Solarte's BWC footage (BR 03), beginning at 02:15 into the video, shows § 87(2)(b) repeatedly lunging toward § 87(2)(b) and § 87(2)(b) with one hand in a fist and a belt in the other hand while screaming, "Fuck you," and, "I will fucking hurt you, § 87(2)(b) Police Officer Rotolo pulls § 87(2)(b) torso back multiple times, and Police Officer Solarte pushes § 87(2)(b) back by his chest and shoulders, and § 87(2)(b) continues to move forward against the officers. The struggle continues, and § 87(2)(b) loses his footing and falls to the floor in a sitting position. Police Officer Solarte grabs § 87(2)(b) right wrist and attempts to pull it back. § 87(2)(b) turns his body and moves his arm around. The officers push § 87(2)(b) torso forward while he is in a sitting position, and Police Officer Solarte's camera falls off and displays a black screen until the 4:04 mark, after § 87(2)(b) has been handcuffed.

Police Officer Rotolo's BWC footage (BR 02), beginning at 02:30 into the video, shows § 87(2)(b) leg fully extended on the floor immediately after Police Officer Solarte's BWC falls off. Throughout the struggle, the view becomes intermittently obscured by quick movements and Police Officer Rotolo's proximity to § 87(2)(b) gets back up, and officers bring him back down. § 87(2)(b) is still moving around and the officers attempt to control his limbs. At the 02:42 mark, § 87(2)(b) lays on his back on the floor while Police Officer Rotolo and Police Officer Solarte kneel over him. It is unclear whether either of their body weights are resting on him. § 87(2)(b) states, "I hope you enjoy that. Enjoy that. [inaudible] fuck." Police Officer Rotolo's left hand is holding § 87(2)(b) right shoulder down on top of a black trash bag. His right knee moves up, and at the 02:46 mark, his right hand wraps around § 87(2)(b) neck and he appears to apply pressure downward, causing § 87(2)(b) head to move further back into the trash bags. § 87(2)(b) arm raises in response, and he reaches for Police Officer Rotolo's arm as Police Officer Rotolo turns his body such that § 87(2)(b) is not visible. § 87(2)(b) can be heard stating that Police Officer Rotolo just grabbed his neck. Screenshots taken from the 02:45-02:46 mark from Police Officer Rotolo's BWC footage show the moment just before the contact with § 87(2)(b) neck (BR 14), Police Officer Rotolo's hand on § 87(2)(b) neck (BR 15), and the trash bags subsequently compressing under § 87(2)(b) head (BR 16).

Police Officer Rotolo's BWC footage, beginning at the 02:58 mark, shows § 87(2)(b) on the floor on his left side. Police Officer Solarte is holding § 87(2)(b) left wrist, which has one handcuff on it. § 87(2)(b) states that Police Officer Rotolo tried to choke him. Police Officer Solarte pulls § 87(2)(b) left arm above his head, bringing him to a sitting position. Police Officer Rotolo grabs § 87(2)(b) right arm and pulls it behind his back, and the officers move him onto his stomach. The audio indicates that the officers place a handcuff on § 87(2)(b) other wrist. At the 03:19 mark, Police Officer Rotolo and Police Officer Solarte pull § 87(2)(b) up by his arms. He remains bent at the torso and lunges forward slightly. Police Officer Rotolo tells him to relax, and he and Police Officer Solarte move him up against the wall.

No officer's footage captures a push of § 87(2)(b) but her voice can be heard throughout both Police Officer Rotolo's and Police Officer Solarte's videos attempting to calm § 87(2)(b) and attempting to speak with the officers.

Threat, Resistance, and Injury Report # § 87(2)(b) (BR 17), prepared by Captain Alexander Cedillo of the 62<sup>nd</sup> Precinct, states that in an interview about the incident, Police Officer Rotolo stated that both the proximity of his face to § 87(2)(b) face and the fact that § 87(2)(b) pursed his lips while talking led him to worry that § 87(2)(b) would spit on him. He used his only free hand, his right hand, "... and quickly tried to move his face away from his. PO Rotolo stated he did not place his hand on his mouth because he didn't want § 87(2)(b) to bite him. He proceeded to state that his intention wasn't to place it on his neck but to move his face up and away from his own. PO Rotolo stated there was so much movement he couldn't control where his hand landed but did state when his landed on the subject's neck area for that split millisecond he

immediately removed it as to not make contact with the neck area.”

Police Officer Rotolo testified to the CCRB that when he initially grabbed § 87(2)(b) arm to take him into custody, § 87(2)(b) flailed his arms, kicked, and thrashed, so Police Officer Rotolo took him to the floor. § 87(2)(b) landed on his back with Police Officer Rotolo on his knees facing him. Once on the ground, § 87(2)(b) continued to resist by flailing, kicking, and attempting to spit at the officers, indicated by § 87(2)(b) jutting his head forward with his lips pursed in close temporal proximity to the officers and § 87(2)(b) stating, “I’m going to spit on you.” At one point, Police Officer Rotolo was attempting to grab § 87(2)(b) by his shoulder with his left hand underneath and his right hand on top, but he was unable to do so because of the unsteady ground, and while he was trying to steady himself, his hand landed on § 87(2)(b) neck, his body weight resting in his hand. Police Officer Rotolo initially believed his hand was near § 87(2)(b) collarbone, but upon viewing his BWC footage, he clarified that his hand was higher than the collarbone, but the bottom of his hand was at the collarbone. When asked why his hand wrapped around § 87(2)(b) neck, Police Officer Rotolo replied, “I was just trying to grab whatever I could to get him up.” He stated further that making precise grabbing motions is difficult on unsteady ground, and he removed his hand immediately. He added that he did not believe this to be the portion of the incident during which he believed § 87(2)(b) would spit on him.

Police Officer Rotolo stated that the officers continued to grapple with § 87(2)(b) who continued to resist, for about one minute, after which the officers stood him up and placed him against the wall, where they were able to handcuff him. The officers could not get enough control to handcuff him on the ground but were able to get the handcuffs on by picking him up by his arms. Police Officer Rotolo did not recall § 87(2)(b) being elevated above the floor, as he was focused on § 87(2)(b) upper body. Police Officer Rotolo did not recall Police Officer Solarte pushing § 87(2)(b) away during the physical interaction.

NYPD Patrol Guide Procedure 221-01 (BR 18) states that force may be used when it is reasonable to ensure the safety of a member of service or a third person, or when it is reasonable to place a person in custody. Officers must use only the reasonable force necessary to gain control of the individual. In determining whether force is reasonable, the member of service should consider factors including actions taken by the subject, the number of subjects compared to the number of officers, the immediacy of the perceived threat of harm to the subject, a bystander, or a member of service, and whether the subject is actively resisting. Any force used must be reasonable under the circumstances. Members of service shall not use a chokehold, which includes but is not limited to any pressure to the throat, carotid artery, or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow.

BWC footage clearly shows that during the physical struggle, Police Officer Rotolo wrapped his right hand around § 87(2)(b) neck and placed his weight on it, pushing § 87(2)(b) head further into the trash bags, an action that Police Officer Rotolo acknowledged, though he noted he immediately removed it. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

It is undisputed that § 87(2)(b) actively resisted throughout the physical interaction by twisting and moving his body against the officers, using his legs to gain leverage against the officers, flailing his arms, and tensing his muscles. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) testified that, while the two officers were grappling with an actively resisting § 87(2)(b) she attempted to physically intervene and pull Police Officer Solarte off § 87(2)(b)



§ 87(2)(b) prompting Police Officer Solarte to push her back. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (G) Force: Sergeant Emily Harris used a chokehold against § 87(2)(b)**

§ 87(2)(b) testified that while § 87(2)(b) was pinned up against the wall, there was a knock at the door, and she ran to get it. She answered the door and saw approximately seven to ten additional officers outside her apartment. Sergeant Harris pushed through from the back of the group of officers, placed both hands on § 87(2)(b) chest, and pushed her backward hard, moving her approximately five feet back, leaving an additional two to three feet between § 87(2)(b) and the wall. § 87(2)(b) had undergone breast cancer surgery the previous year and the push caused pain to area in which she had had surgery. Sergeant Harris pushed § 87(2)(b) again, this time into the wall. Four of the officers that arrived with Sergeant Harris grabbed Sergeant Harris by the shoulders and pulled her away from § 87(2)(b) as it looked like she was coming back toward her. § 87(2)(b) continued yelling that her son needed help.

§ 87(2)(b) testified that after he was handcuffed, Sergeant Harris and several other officers arrived. Sergeant Harris entered the apartment and immediately began a physical interaction with § 87(2)(b) pushing her with both hands in the breast area into the dining room before punching her three times in the face and chest area.

Police Officer Alexander's BWC footage (BR 04) beginning at 02:17 into the video shows § 87(2)(b) standing halfway behind the open door. Police Officer Rotolo can be heard saying from inside the apartment, "Ma'am, get out of the way." Police Officer Solarte is standing in front of § 87(2)(b) angled toward the open door, holding § 87(2)(b) who is in handcuffs, by the bicep. Police Officer Rotolo is standing on the other side of § 87(2)(b) largely out of frame. § 87(2)(b) steps forward toward Police Officer Alexander. She puts her hand up with a flat palm and states, "Okay, wait, calm the fuck down, all y'all, [inaudible]." Police Officer Alexander extends her arms to move § 87(2)(b) arms down. § 87(2)(b) moves her hands around at her chest level and when Police Officer Alexander states, "You called 911, right?" she states, "No, no!" Police Officer Alexander moves § 87(2)(b) hands out of the way again. Sergeant Harris comes into the frame and with her back against the door places her right hand on § 87(2)(b) right shoulder. She pushes § 87(2)(b) back using her right arm with her forearm braced across § 87(2)(b) neck. Sergeant Harris moves her right hand to § 87(2)(b) collarbone area and moves her hand upward. Police Officer Chowdhury and Police Officer Chen yell, "Harris, Harris, chill," as Sergeant Harris puts her left hand on the right side of § 87(2)(b) torso and moves her across the room. Police Officer Chen and Police Officer Chowdhury pull Sergeant Harris off § 87(2)(b). Screenshots taken from the 02:22 (BR 19), 02:23 (BR 20), and 02:24 (BR 21) marks of Police Officer Alexander's BWC show § 87(2)(b) chin raised directly above Sergeant Harris's elbow as she moves back. Screenshots taken from Police Officer Rotolo's BWC footage at the 05:08 (BR 22), 05:09 (BR 23), and 05:10 (BR 24) show Sergeant Harris's initial placement of her arm on § 87(2)(b) neck, her arm at § 87(2)(b) neck, and § 87(2)(b) chin raising above Sergeant Harris's arm as she moves back.

Sergeant Harris testified that when she was on her way to the location, she received a call over the radio that the initial unit, Police Officer Rotolo and Police Officer Solarte, had requested additional units to the scene. Sergeant Harris's primary aim upon arrival was reaching her two officers and making sure they were okay, as family disputes can be tumultuous, and she did not know what caused them to require additional units. A few officers had arrived ahead of Sergeant Harris and were standing on the landing at the door, apparently speaking, although Sergeant Harris

did not notice much about the conversation because her focus was on getting to the two officers inside the apartment. Sergeant Harris pushed past the officers in front of her to get to the door, where she saw Police Officer Rotolo, Police Officer Solarte, § 87(2)(b) and § 87(2)(b). She was not focused on what was going on with them in this moment, as she wanted to get to her officers. Sergeant Harris used her body to separate § 87(2)(b) from § 87(2)(b) and the officers. She explained to the investigation that she did so using, “Extreme discretion,” because § 87(2)(b) was obstructing the situation and she wanted to deescalate by separating the parties. She did not independently recall which parts of her body made contact with § 87(2)(b) nor which parts of § 87(2)(b) body she made contact with. She did not have any further independent recollection of the physical interaction.

Sergeant Harris initially stated that she did not make any contact with § 87(2)(b) neck. After viewing Police Officer Alexander’s BWC footage, Sergeant Harris clarified that she used her forearm to separate § 87(2)(b) from the others. She acknowledged that her wrist was on § 87(2)(b) shoulder and her elbow was near § 87(2)(b) chin but asserted that she was not touching § 87(2)(b) neck. She was played the clip two additional times. When asked whether her forearm came into contact with any part of § 87(2)(b) body, she replied that her hand was touching § 87(2)(b). When asked whether her elbow was touching any part of § 87(2)(b) body, she replied, “It’s possible, anything’s possible.” Her legal representative stated multiple times that it appeared to him that Sergeant Harris’s forearm possibly came into contact with § 87(2)(b) neck. He asked Sergeant Harris if it were possible that she came into contact with § 87(2)(b) neck and she stated, “Everything is possible, yes,” though she had no independent recollection of that happening. She did not, intentionally or unintentionally, place any pressure on § 87(2)(b) neck or windpipe. She placed her arm in that spot because she was looking for the safest place to push her without touching her chest or any place that could be considered inappropriate. She considered this to be the minimal amount of force required to get to her officers.

§ 87(2)(g)

§ 87(2)(b) BWC footage shows Sergeant Harris pushing § 87(2)(b) away from the other parties by bracing her forearm across § 87(2)(b) shoulder and neck. § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party (BR 25).
- § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- Police Officer Solarte has been a member of service for three years and has been a subject in two additional CCRB complaints and three other allegations, none of which were substantiated. § 87(2)(g)  
§ 87(2)(b)
- Police Officer Rotolo has been a member of service for six years and has been a subject in two additional CCRB complaints and two other allegations, none of which were



substantiated. § 87(2)(g)

- Sergeant Harris has been a member of service for 17 years and has been a subject in 20 additional CCRB complaints and 36 other allegations, of which three were substantiated in one case:
  - Case # 201901685 involved substantiated allegations of Entry of Premises, Failure to provide RTKA card, and Search of Premises. The Board recommended Charges and Sergeant Harris received a discipline of Command Discipline B with a forfeiture of 10 vacation days.
  - § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of June 15, 2023, over 5 months after the 90-day filing deadline, the New York City Office of the Comptroller had no record of a Notice of Claim being filed regarding this incident (**BR 27**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **RPBP History**

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

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Squad: 2

Investigator: Isabel Cifarelli SI Isabel Cifarelli 3/20/2024  
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Opoku-Agyemang 3/20/2024  
Signature Print Title & Name Date